

April 2, 2003 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

03AR0219

Tammy F. Eads

Bermuda Magisterial District
3706 Louise Drive

REQUEST: Renewal of Special Exception 01AN0159 to permit a two (2) chair beauty shop from the home.

RECOMMENDATION

Recommend denial of this request for the following reasons:

- A. This request is incompatible with the Plan for Chesterfield.
- B. This Special Exception may impair the character of the district.
- C. This request may increase congestion in the streets.

GENERAL INFORMATION

Location:

Property is known as 3706 Louise Drive. Tax ID 795-637-1405 (Sheet 34).

Existing Zoning:

A

Size:

0.6 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Vacant
South - A; Semi-public (Harrowgate Elementary School)
East - A; Residential
West - A; Residential

Utilities:

Public water and private septic system

Transportation:

This request requires adequate off-street parking.

General Plan:

(<u>Southern and Western Area Plan</u>)	Residential (2.51 – 4.0 units per acre)
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DISCUSSION

The applicant requests renewal of Special Exception 01AN0159 to operate a two (2) chair beauty shop from the home (see attached plan).

The applicant provided the following justification in support of this request:

I would like to be able to work for myself on my property. This will enable me to still have time for my family. I would like to amend Condition 2 for the length of time for as long as I reside on the property. I would also like to amend Condition 6 because I need to add on a laundry/office space to the building. Currently, I go to the laundry service once a week to wash and dry towels. Finally, I request an amendment to Condition 3 to allow a possible employee.

Staff reviewed the application and finds that on January 3, 2001, the Board of Zoning Appeals approved a Special Exception to permit the applicant to operate a one (1) chair beauty shop in the home. A copy of the minutes of the January 3, 2001, Board meeting is attached.

Over the past two (2) years, staff has not received any complaints relative to the property owner's business operation. Therefore, staff believes that the previously approved conditions have proven to

be adequate to mitigate any adverse impact that this operation may have on the neighborhood and area in general. Therefore, staff recommends no time limit be imposed if the applicant agrees with the previously approved conditions.

However, the applicant is requesting three (3) changes to the original Special Exception. The first change would be to increase the one (1) chair beauty shop to a two (2) chair beauty shop. The second to increase the size of the existing sixteen (16) by twenty (20) foot beauty shop building by constructing a ten (10) by ten (10) foot addition. The final change would be for an unlimited time period. Staff feels that allowing this use to enlarge would increase the intensity which would render it incompatible with the existing land use. The overall impact of a use with this type of intensity may be detrimental to the character of this area.

A use of this proposed intensity should be located in a commercial district established for this type of use. Further, staff does not feel that the imposition of development conditions will mitigate the negative impacts this use will have on the area. Therefore, staff cannot support this request. However, staff can support the continued operation of a one (1) chair beauty shop for the applicant for an unlimited time period and, if the Board feels this request has merit, staff recommends that this case be approved subject to the following conditions:

CONDITIONS

1. Special Exception shall be granted to and for Tammy F. Eads, exclusively. Upon transfer of the land, this Special Exception shall expire.
2. Special Exception shall be limited to the operation of a one (1) chair beauty shop, exclusively, and no employees, other than the applicant, shall be engaged in this operation.
3. Hours of operation shall be restricted to between 9:00 a.m. and 6:00 p.m. except on Tuesday until 8:00 p.m., five (5) days a week. No Sunday operation shall be permitted. (BZA)
4. Off-street parking shall be provided for at least two (2) customer vehicles, plus vehicles belonging to the applicant. All driveway and parking areas shall be at least graveled.
5. No additions or alterations related to this operation shall be permitted to the exterior of the dwelling.
6. No further additions shall be added to the existing sixteen (16) by twenty (20) foot beauty shop.
7. No group assembly connected with this operation shall be permitted.
8. Not more than two (2) customers shall be permitted on the property at any one time.

9. No signs advertising the salon shall be posted outside the exterior of the building, nor shall any sign be visible from outside the building.
10. All refuse related to the salon shall be stored in appropriate containers and the containers shall not be visible from ground level to adjacent properties.

PRESENT:

Mr. Joseph L. Biggs, Chairman
Mr. W. Baxter Perkinson, Sr., Vice-Chairman
Mr. John E. Caperton
Mr. Graham C. Daniels
Mr. H. Stephen Moore, Jr.

ALSO PRESENT:

Mr. J. Michael Janosik, Secretary to the
Board of Zoning Appeals, Zoning Administrator,
Planning Department
Ms. Donna McClurg, Planner,
Planning Department
Ms. Nell Rigali, Assistant Deputy Clerk,
Planning Department
Mr. David Robinson, Assistant County Attorney,
County Attorney's Office
Mr. David Hainley, Planning Administrator,
Planning Department

At approximately 11:15 a. m., Messrs. Biggs, Perkinson, Caperton, Daniels, Moore and staff met at John Howlett's Tavern (Courthouse Commons) for lunch and a work session. During lunch, there was discussion pertaining to the cases being heard at the Board of Zoning Appeals meeting.

At approximately 1:00 p.m., Mr. Biggs, Chairman, called the meeting to order in the Public Meeting Room, Chesterfield County Administration Building.

The invocation was given by Mr. Perkinson.

At this time, the Board elected officers for the 2001 calendar year.

On motion of Mr. Perkinson, seconded by Mr. Caperton, the Board nominated Mr. Biggs, as Chairman to the Board of Zoning Appeals.

AYES: Messrs. Biggs, Perkinson, Caperton, Daniels and Moore.

The vote was unanimous and Mr. Biggs was elected to the position of Chairman to the Board of Zoning Appeals.

On motion of Mr. Moore, seconded by Mr. Daniels, the Board nominated Mr. Perkinson as Vice-Chairman to the Board of Zoning Appeals.

AYES: Messrs. Biggs, Perkinson, Caperton, Daniels and Moore.

The vote was unanimous and Mr. Perkinson was elected to the position of Vice-Chairman to the

line.

2. All kennel operations will be screened from the adjacent western property by natural or supplemented vegetation or hedges.

AYES: Messrs. Biggs, Perkinson, Caperton, Daniels and Moore.

01AN0159: In Bermuda Magisterial District, **TAMMY F. EADS** requested a Special Exception to operate a one (1) chair beauty shop from the home and amendment of zoning district map. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 - 4.0 units per acre. This property is known as 3706 Louise Drive. Tax ID 795-637-1405 (Sheet 34).

Ms. Donna McClurg presented the background information and staff's recommendation for approval of Case 01AN0159, subject to the conditions stated in the staff report.

Ms. Eads, the applicant, came forward to represent this request. She stated she he would like to work out of her home so she could be there for her daughter. She asked for a longer time period and to have the salon open for five (5) days and one (1) evening for her customers' convenience.

Mr. Daniels explained that usually the Board gave a trial period to ensure that the neighbors did not have a problem and the conditions were adhered to. After the initial trial period if the Board was satisfied that there were no problems, they customarily approved similar requests for longer periods of time.

There was no opposition present.

On motion of Mr. Daniels, seconded by Mr. Moore, the Board resolved to approve the request for a Special Exception to operate a one (1) chair beauty shop from the home in Case 01AN0159, subject to the following amended conditions:

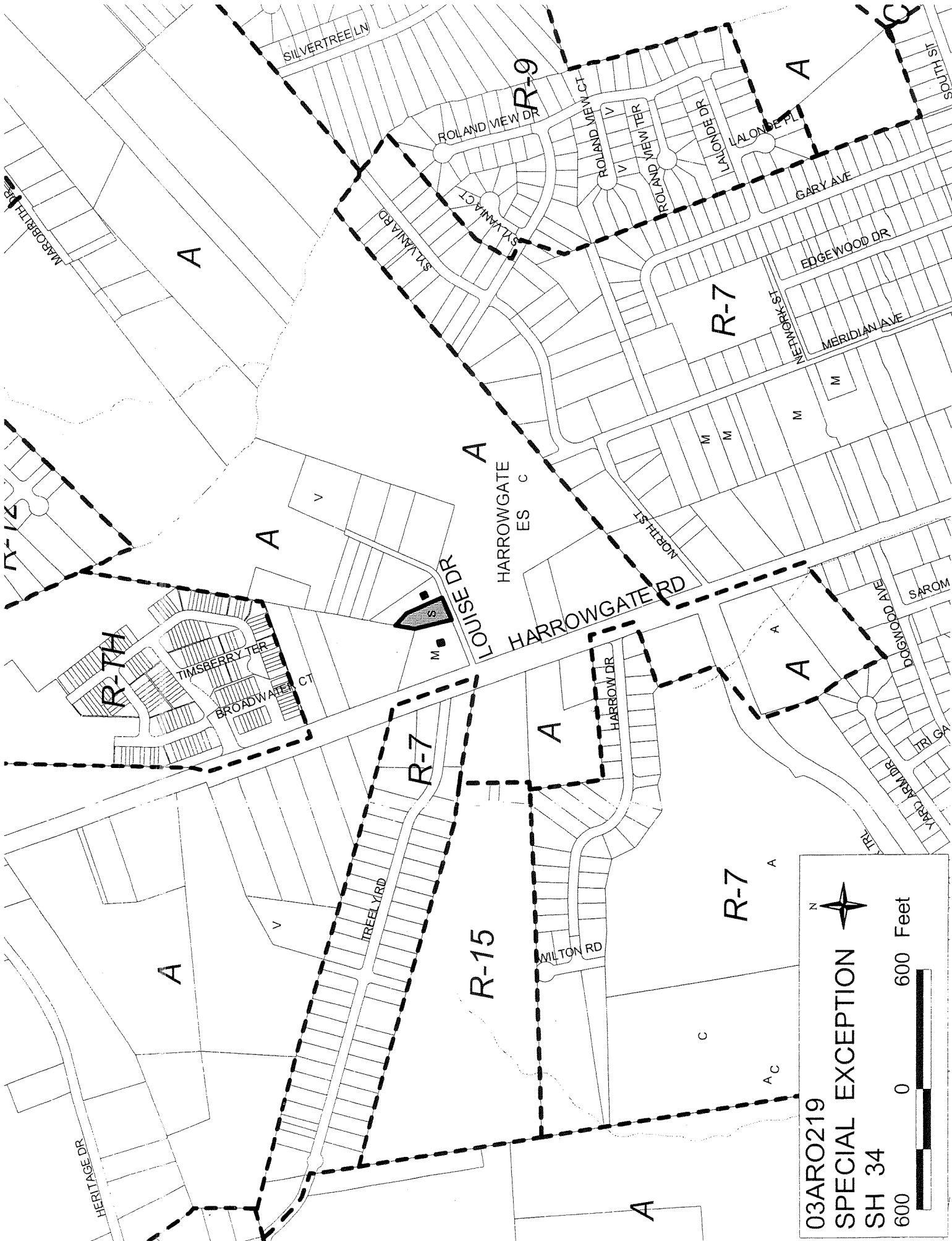
CONDITIONS

1. Special Exception shall be granted to and for Tammy F. Eads, exclusively. Upon transfer of the land, this Special Exception shall expire.
2. Special Exception shall be granted for a period not to exceed two (2) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the one-chair beauty shop operation has not proved a detriment to the adjacent property or the area in general.
3. Special Exception shall be limited to the operation of a one-chair beauty shop, exclusively, and no employees, other than the applicant, shall be engaged in this operation.
4. Hours of operation shall be restricted to between 9:00 a.m. and 6:00 p.m. except on Tuesday until 8:00 p.m., five (5) days a week. No Sunday operation shall be permitted. (BZA)
5. Off-street parking shall be provided for at least two (2) customer vehicles, plus vehicles belonging to the applicant. All driveway and parking areas shall be at least graveled.
6. No additions or alterations related to this operation shall be permitted to the exterior of the dwelling.
7. No group assembly connected with this operation shall be permitted.
8. Not more than two (2) customers shall be permitted on the property at any one time.
9. No signs advertising the salon shall be posted outside the exterior of the building, nor shall any sign be visible from outside the building.
10. All refuse related to the salon shall be stored in appropriate containers, and the containers shall not be visible from ground level to adjacent properties.

AYES: Messrs. Biggs, Perkinson, Caperton, Daniels and Moore.

There being no further business to come before the Board, it was on motion of Mr. Caperton, seconded by Mr. Daniels, that the meeting adjourned at approximately 1:58 p.m.

AYES: Messrs. Biggs, Perkinson, Caperton, Daniels and Moore.



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SPECIAL EXCEPTION
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